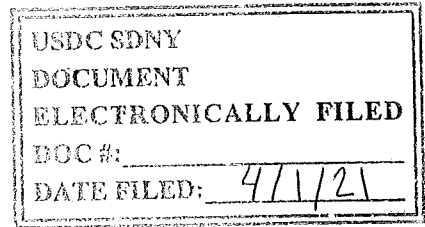


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 SUSAN TAYLOR, individually and on behalf of
 of all others similarly situated,

Plaintiff,

v.

HV CARS, LLC D/B/A HUDSON VALLEY
 CHRYSLER DODGE JEEP RAM,

Defendant.
 -----X

ORDER

20 CV 7329 (VB)

On December 18, 2020, defendant moved to dismiss the amended class action complaint. (Doc. #18). On the same day, defendant filed a motion to stay this proceeding pending the U.S. Supreme Court's decision in Facebook, Inc. v. Duguid, No. 19-511. (Doc. #19).

By Text Order dated December 21, 2020, the Court stayed plaintiff's deadline to respond to the motion to dismiss pending the disposition of defendant's motion to stay. (Doc. #20).

On April 1, 2021, the Supreme Court issued its decision in Facebook, Inc. v. Duguid, ___ S. Ct. ___, 2021 WL 1215717 (S. Ct. Apr. 1, 2021), which resolved a circuit split regarding what type of equipment qualifies as an automatic telephone dialing system ("ATDS").

Accordingly, it is HEREBY ORDERED:

1. Defendant's motion to dismiss is DENIED WITHOUT PREJUDICE to refile in light of the Supreme Court's decision.
2. By **April 22, 2021**, defendant shall answer, move, or otherwise respond to the amended complaint.
3. Defendant's motion to stay is DENIED as moot. (Doc. #19).
4. The Clerk shall terminate defendant's motion to dismiss (Doc. #18) and motion to stay (Doc. #19).

Dated: April 1, 2021
 White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
 United States District Judge